

**Claim Amendments**

Applicant has amended Claims 1 and 14 to clarify the invention and not as an attempt to overcome Examiner's 35 U.S.C. § 103 objection. This limitation is supported throughout the specification including at paragraphs 61 through 63.

No new matter has been added by these amendments and no additional search is necessary.

**Claim Rejections – 35 U.S.C. § 103(a)**

In the Office Action dated August 4, 2008 the Examiner has rejected pending Claims 1-3, 5, 9-10, 13-16, 18, 22-23, and 26 as being unpatentable over MacKay, U.S. Patent Application 2003/0083928 A1 ("MacKay") in view of Hausen et al., U.S. Patent Application 2004/0059693 A1 ("Hausen"). Claims 1 and 14 are amended in this response and to the extent this rejection still applies to the amended claims, it is respectfully traversed.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), "the prior art reference (or references when combined) must teach or suggest all the claim limitations" (MPEP § 2143.03). In addition, "all words in a claim must be considered in judging the patentability of that claim against the prior art" (MPEP § 2143.03). Further, "[i]f an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious" (MPEP § 2143.03). Finally, "[i]n order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992).

Applicant notes that Examiner did not provide any reasoning as to how the Hausen reference was in the field of Applicant's endeavor or reasonably pertinent to the particular problem as is required to combine references under 35 U.S.C. § 103. Applicant respectfully requests that Examiner provide said reasoning at Examiner's earliest reasonable convenience. Without waiving said objection, Applicant will address Examiner's assertions.

## Claims 1 and 14

Applicant respectfully submits that MacKay, even in view of Hausen, fails to suggest all the claim limitations. Specifically, MacKay, even in view of Hausen, fails to disclose at least the following elements: (i) “connecting said receiving application to a polling application for interfacing with a parking citation issuing authority, said polling application retrieving information associated with at least one parking citation from said parking citation issuing authority”; and (ii) “identifying a parking citation from said parking citation issuing authority associated with said minimal set of information, prior to accepting an electronic funds transfer.” Each limitation will be discussed below.

**(i) “connecting said receiving application to a polling application for interfacing with a parking citation issuing authority, said polling application retrieving information associated with at least one parking citation from said parking citation issuing authority”**

Specifically, the Examiner cites to MacKay paragraph 19 and generally to Figure 1. However, MacKay discloses only forwarding the “*record of payments data ... to the central processor* where the citation payments are reconciled with the actual citations issued.” (See MacKay, Paragraph 19, emphasis added). There is no discussion, suggestion, or teaching of retrieving information associated with a parking citation *from* the issuing authority. MacKay merely takes user input at the P&DPM and *forwards* the payment data to the central processor. This is further bolstered throughout MacKay including paragraph 18: “[t]his prompts the next screen on which the user is requested to select the amount of the citation fine that is to be paid” and “[t]he next screen asks the user to make payment of the fine amount, *which had been previously entered by the user*”. (See MacKay, Paragraph 19, emphasis added). If the P&DPM actually retrieved information from the issuing authority, there would be no reason for the user to enter the citation fine amount.

**(ii) “identifying a parking citation from said parking citation issuing authority associated with said minimal set of information, prior to accepting an electronic funds transfer”**

Specifically, the Examiner cites to MacKay paragraph 19 and generally to Figure 1. However, MacKay discloses only forwarding the “*record of payments data ... to the central processor* where the citation payments are reconciled with the actual citations issued.” (See

MacKay, Paragraph 19, emphasis added). There is no discussion, suggestion, or teaching of identifying a parking citation from a minimal set of information prior to accepting payment. MacKay merely forwards the payment information to a central processor and then it is the central processor's responsibility to attempt to match up payments with the actual citations issued. (*See* MacKay, Paragraph 19).

An additional and important difference between MacKay and the present invention is that because the present invention retrieves citation information from the issuing authority, the present invention enables a user to pay more than one citation from the issuing authority at the same time. In MacKay, the user would have to restart the entire payment transaction to pay an additional citation.

Yet another important difference between MacKay and the present invention is that the present invention permits a user to pay citations from different issuing authorities, whereas MacKay only permits a user to pay citations from the particular issuing authority associated with a particular P&DPM.

In view of the above, MacKay, even in view of Hausen, fails to suggest all of the claim limitations contained in Claim 1. Thus, independent Claim 1 is patentable over MacKay, even in view of Hausen. Further, independent claim 14 includes at least the same patentable limitations as independent Claim 1 and therefore, is patentable for at least the same reasons as independent Claim 1. Dependent claims are allowable for at least the same reasons. Accordingly, Applicant respectfully requests withdrawal of this rejection.

#### Claims 13 and 26

As to Claim 13, MacKay fails to disclose at least the following element: "enabling a user to interface to existing parking management software associated with the issuing authority." MacKay discloses only of "the P&DPM [having] the facility of allowing the payment information to be *collected remotely...*" by the parking authority. (MacKay, Paragraph 20, emphasis added). Examiner argues that MacKay "teaches this matter by allowing the user to interface with the Pay and Display Parking Machine associated with the issuing authority." (*See* Office Action, Page 2-3, No. 3). Again, MacKay discloses only permitting the parking authority to collect payment information remotely. At no time is the P&DPM retrieving any information

*from* the parking authority's systems nor does the P&DPM permit the user to interface with the parking management software. The P&DPM is a static device that accepts payment from a user and then allows a central processor to retrieve the payment information. In MacKay, the user is never permitted to interface with the parking management software. To further bolster this, MacKay expressly envisions the P&DPM machine not having an on-line connection: “[i]f the machine does not have an on-line connection, the parking authority is required to collect the data from the P&DPM in a regular and timely fashion for the system to be effective.” (*See* MacKay, Paragraph 20). Therefore, without an on-line connection, it is impossible for the invention disclosed in MacKay to provide a user access to the issuing authority's parking management software. (*See also* argument and discussion as to Claim 1).

In view of the above, MacKay, even in view of Hausen, fails to suggest all of the claim limitations contained in Claim 13. Further, claim 26 includes at least the same patentable limitations as Claim 13 and therefore, is patentable for at least the same reasons as Claim 26.

#### Claims 6 and 19

Examiner has also rejected pending Claims 6 and 19 as being obvious over MacKay, U.S. Patent Application 2003/0083928 A1 (“MacKay”) in view of Hausen et al., U.S. Patent Application 2004/0059693 A1 (“Hausen”), and in further view of Admasu et al., U.S. Patent Application 2002/0032601 A1 (“Admasu”). The rejection is respectfully traversed.

Applicant notes that Examiner did not provide any reasoning as to how the Hausen or Admasu references are in the field of Applicant's endeavor or reasonably pertinent to the particular problem as is required to combine references under 35 U.S.C. § 103. Applicant respectfully requests that Examiner provide said reasoning at Examiner's earliest reasonable convenience. Without waiving said objection, Applicant will address Examiner's assertions.

Examiner generally cites to Admasu, paragraphs 25-27 and 32 as teaching “enabling a user to perform setup of merchant accounts.” (*See* Office Action, Page 7, No. 8). Further, Examiner argues that “Admasu teaches this matter by allowing the user sets [sic] up an account to pay for the services are [sic] provided.” (*See* Office Action, Page 3, No. 3). Applicant is afraid that Examiner is confusing “an account to pay for services” with an account that is used to *accept payment for services*. As discussed in the amendment filed on May 27, 2008, a merchant

account is not used to *pay for services* but is used to *accept payments* from users. Admasu only teaches of setting up a stored value style account for an end user. There is absolutely no discussion of setting up a merchant account. Again, for reference, the common meaning of a merchant account is a type of account that allows a person and/or business to accept payment card transactions (credit cards, debit cards, etc.) of a particular card association brand (e.g. American Express®, Visa®, MasterCard®, Discover®, Diners Club®, etc.).

In light of the above, MacKay, even in view of Hausen and Admasu, fails to suggest all the Claim limitations of Claims 6 and 19; therefore, Claims 6 and 19 are patentable over MacKay even in view of Hausen and Admasu.

### Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests allowance of Claims 1-26. Applicant thanks the Examiner for consideration of the above.

If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below. Please reference Attorney Docket No. TRAF001US0.

While Applicant does not believe any additional fees are due as a result of this response, if any fees are due, the Commissioner is hereby authorized to charge HULSEY IP Lawyers, P.C. Deposit Account No. 50-3835.

Respectfully submitted,

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